

Remarks/Arguments:

Claims 1-34 were originally pending in the application. Claims 16-24 and 28-34 are cancelled without prejudice. Claims 35-43 have been added. Therefore, claims 1-14, 25-27, and 35-43 are pending in the present application.

Claims 1, 3, 4, 7-10 and 25 stand rejected under 35 U.S.C. § 102(e) as anticipated by Sparer et al. (U.S. 6,159,240) (hereinafter Sparer). This rejection is addressed in the paragraphs below.

The Office Action states (with the Sparer reference numerals in parentheses) that Sparer anticipates claim 1 in its teaching of a prosthetic component (30) comprising a graft (34) having a hem (33) defining an interior space and a cord (32) disposed within interior space for absorbing fluid for aiding in fixation of prosthetic component (30) against body lumen. The Office Action further refers applicant to Fig. 4 of Sparer for a description of the claimed structural features and to col. 3, lines 25 and col. 6, lines 14-45 for a description of the fluid-absorbing characteristics of cord (32).

Applicant's amended claim 1 recites that the prosthetic component has a proximal end and a distal end and comprises a graft that extends between the proximal end and the distal end. Sparer does not disclose a prosthetic component having a proximal end and a distal end with a graft extending there between. Instead, Sparer discloses a ring structure (30), specifically an "annuloplasty ring", depicted in Figures 3 and 4 which contains a "core flexibilizing component" (described at col. 3, line 25 and col. 6, lines 14-45). Anticipation requires that each and every limitation of the claim be disclosed, either expressly or under principles of inherency, in a single prior art reference. *In re Robertson*, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999); MPEP § 2131. Absence from the reference of any claimed limitation negates anticipation. *Rowe v. Dror*, 42 USPQ2d 1550, 1553 (Fed. Cir. 1997) (preamble claim limitation reciting a balloon angioplasty catheter not anticipated by a general purpose balloon catheter). In light of applicant's amendment to claim 1, applicant respectfully submits that the rejection of claim 1 has been overcome.

Claims 3, 4, and 7-10 also stand rejected as anticipated by Sparer. Claims 3, 4, and 7-10 ultimately depend from rejected claim 1. Claims 3 and 4 have been amended only to reflect the antecedent bases introduced by the current amendment to claim 1. Applicant

respectfully submits that because the rejection of claim 1 has been overcome, the rejection of claims 3, 4, and 7 –10 has been rendered moot.

Claim 25 also stands rejected as anticipated by Sparer. The Office Action states that Sparer anticipates a method of implanting a device in a body lumen comprising the steps of introducing a prosthetic component (30) comprising a graft (34) having a hem (33) defining an interior space and a cord (32) disposed within interior space for absorbing fluid for aiding fixation of prosthetic component (30) against body lumen, and contacting said cord (32) with fluid to aid fixation against body lumen. The Office Action refers to Sparer at col. 3 lines 33 through col. 8 line 30 together with col. 3, lines 25 and col. 6, lines 14-45.

Applicant's amended claim 25 recites a step of introducing a device into a body lumen, wherein the device comprises a prosthetic component having a proximal end and a distal end and comprises a graft that extends between the proximal end and the distal end. The Sparer device does not disclose a prosthetic component having a proximal and distal end with a graft extending there between and therefore does not anticipate this method. Instead, Sparer discloses a ring structure (30), specifically an "annuloplasty ring", depicted in Figures 3 and 4 which contains a "core flexibilizing component" (described at col. 3, line 25 and col. 6, lines 14-45). Anticipation requires that each and every limitation of the claim be disclosed, either expressly or under principles of inherency, in a single prior art reference. In re Robertson, supra; MPEP § 2131. Absence from the reference of any claimed limitation negates anticipation. Rowe v. Dror, supra. In light of applicant's amendment to claim 25, applicant respectfully submits that the rejection of claim 25 has been overcome.

Claims 2, 4, 6, 11-14, 26, and 27 stand objected to due to their dependency from rejected claims 1 and 25. Applicant respectfully submits that because the rejection of claim 1 has been overcome, the objection to claims 2, 4, 6, 11-14, 26, and 27 has been rendered moot.

Applicant acknowledges with appreciation the indication that claims 2, 4, 6, 11-14, 26 and 27 would be allowable if rewritten in independent form. To that end, applicant has added claims 35 – 43. The table below sets forth the origins of the new claims.

New claim	Previously described as
35	1 + 2
36	1 + 3 + 4
37	1 + 3 + 5 + 6
38	1 + 11
39	12
40	13
41	1 + 14
42	25 + 26
43	25 + 27

The rejection under 35 U.S.C. § 102 and the objections should be withdrawn. Favorable action is earnestly solicited. The Examiner is invited to call applicant's undersigned representative if any further action will expedite the prosecution of the application or if the Examiner has any suggestions or questions concerning the application or the present response.

Respectfully submitted,



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CRL/ap

Attachments: Transmittal

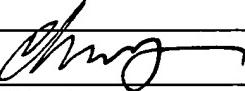
Dated: June 20, 2003

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July 9, 2003


Christopher R. Lewis